

TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS



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Executive Director, TBHEC

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MINUTES

Friday, January 21, 2022

The Texas State Board of Examiners of Marriage and Family Therapists met via Zoom video conference with presiding officer in-person on January 21, 2022. The following Board members were in attendance: Anthony Scoma, DMin, Vice Chair (as presiding officer); Lisa V Merchant, PhD, LMFT, Chair; Russell F Bartee, PhD, LPC-S, LMFT-S; Jodie Elder, PhD, LPC-S, LMFT; George Francis, IV, MBA; and Richmond Stoglin, MPA, DMin, LMFT. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Brian Clark, TSBEMFT Attorney; and Sarah Faszholz, TSBEMFT Board Administrator.

1. The meeting was called to order at 9:07 a.m. by Vice Chair Scoma.
2. The Board considered Item 2: approval of October 22, 2021, minutes of the Board meeting by videoconference with presiding officer in-person. Dr. Elder made the motion to approve the minutes as amended. Chaplain Stoglin seconded the motion. The motion carried.
3. The Board considered Item 3: Board review and possible action regarding appeals of application for licensure denials. There were none.
4. The Board considered Item 4: Board review and possible action regarding agreed orders to be executed by the Board. There were none.
5. The Board considered Item 5: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH). There were none.
6. The Board considered Item 6: Report of agreed orders executed by the Council's Executive Director. Ms. Faszholz provided copy in meeting materials.
7. The Board considered Item 7: Report of cases dismissed by the Council's Executive Director. Ms. Faszholz provided staff's report in meeting materials.
8. The Board considered Item 8: Status report of quarterly enforcement case activities. Ms. Faszholz provided staff's report in meeting materials.
9. The Board considered Item 9: Report of compliance with agreed orders. Ms. Faszholz provided staff's report in meeting materials.
10. The Board considered Item 10: Report from Committee Chairs per Title 22 of the Texas Administrative Code (22 TAC), §801.11(f):
 - A. Report from Ethics Committee Chair Rev. Dr. Scoma. Rev. Dr. Scoma reported the Ethics Committee did not meet since last board meeting.
 - B. Report from Licensing Standards Committee Chair Dr. Merchant. Dr. Merchant reported the Licensing Standards Committee met in early November and discussed

- Texas Ethics continuing education requirement for LMFT-S to assure licensees coming from outside Texas are familiar with Texas laws and rules, concluding requirement that supervisor must complete jurisprudence exam each renewal period provides this assurance;
 - Board's priorities regarding continuing education as part of BHEC Standardization Work Group's efforts to standardize rules; and
 - Continuing education regarding services to military service members, military spouses, and veterans as well as continuing education concerning crisis management, opining these issues may be addressed in future legislative action and planning to revisit during 2024 four-year rule review.
- C. Report from Outreach Committee Chair Dr. Merchant. Dr. Merchant reported the Outreach Committee met in early January and discussed
- "Guidelines for Consumers" to educate public concerning differences between life coach and licensed professional and other public awareness items; and
 - Development of standard board presentation for board-member outreach efforts, especially to schools.
- D. Report from Professional Development Committee Chair Husband-Thompson. On behalf of Mrs. Husband-Thompson, Ms. Faszholz reported the Professional Development Committee reviewed jurisprudence exam questions and met in December, resulting in fewer questions related to BHEC operations.
- E. Report from Rules Committee Chair Mr. Francis. Mr. Francis experienced some technical difficulties, so Ms. Faszholz reported the Rules Committee met on December 13, 2021. The Committee recommended to the Board changes to 22 TAC §801.44(p) regarding "emerging areas" (reflected in Agenda Item #15 below) and adoption of
- "Guidelines for Technology-Assisted Services," which was tabled until rulemaking action related to the document is completed, and
 - "Guidelines for Using Social Media," for which
 - Dr. Merchant made motion to re-order bullet points. Dr. Bartee seconded the motion. The motion carried.
 - After Atty Hyde opined ambiguity concerning bullet point related to viewing client's social media without consent, Chaplain Stoglin made motion to return the issue to the Rules Committee. Dr. Bartee seconded the motion. The motion carried.
 - After later comment by Director Spinks, Mr. Francis made the motion to publish the Guideline as previously revised and without the ambiguous bullet point. Dr. Merchant seconded the motion. The motion carried.
11. The Board considered Item 11: Discussion and possible action regarding jurisprudence exam.
- A. Discussion and possible action concerning the quarterly summary from the MFT Board's Jurisprudence Exam vendor. Ms. Faszholz provided vendor's report in the meeting materials.
- B. Discussion and possible action related to changes in the Board's Jurisprudence Exam. Ms. Faszholz provided written report with the Professional Development Committee's recommendations in the meeting materials. Dr. Merchant made motion to approve the Committee's recommendations and instruct staff to proceed with changes. Chaplain Stoglin seconded the motion. The motion carried.
12. The Board considered Item 12: Discussion and possible action to re-elect or replace Vice-Chair of the MFT Board - Rev. Dr. Anthony Scoma - pursuant to 22 TAC §801.11. Dr. Bartee made the motion to re-elect Rev. Dr. Scoma. Chaplain Stoglin seconded the motion. The motion carried. Rev. Dr. Scoma abstained.
13. The Board considered Item 13: Discussion and possible action to re-elect or replace professional member delegate to the Council per Texas Occupations Code §507.051, Jeanene Smith, MA, LPC-S, LMFT-S, whose term as delegate expires February 1, 2022 per 22 TAC §881.4, *Council Member Terms*. Dr. Bartee made motion to re-elect Ms. Smith. Dr. Merchant seconded the motion. The motion carried.
14. The Board considered Item 14: Discussion and possible action concerning public comment on proposed rules published in October 1, 2021 *Texas Register* regarding 22 TAC §§801.2 and 801.74, concerning *Definitions* to

align the definition for LMFT and LMFT Associate with the statutory definition in Section 502.002 of the Occupations Code, as well as the Council's rule 22 TAC §881.2(b) and *Application to Take Licensure Examination* to streamline the application process for the approval and registration for licensure examinations. Dr. Elder made the motion to recommend the Council adopt as proposed. Dr. Bartee seconded the motion. The motion carried.

15. The Board considered Item 15: Discussion and possible action regarding potential rule changes recommended by MFT Board's Rules Committee to 22 TAC §801.44 *Relationships with Clients*, which clarifies that the same competency standard applies to emerging areas of practice, for which generally recognized standards for preparatory training do not exist yet. Dr. Merchant made the motion to recommend the Council publish as proposed rules with revision. Chaplain Stoglin seconded the motion. The motion carried.
16. The Board considered Item 16: Discussion and possible action concerning potential changes in 22 TAC put forth by the Council's Standardization Work Group, including
 - A. New §801.261 *Requirements for Continuing Education*, for which Dr. Merchant made the motion to recommend the Council publish as proposed rules with revision. Chaplain Stoglin seconded the motion. The motion carried
 - B. Changes to §§801.58, 801.143, and 801.305, related to *Technology-Assisted Services, Supervisor Requirements*, and *Schedule of Sanctions* and repeal of §§801.263, 801.264, and 801.266 regarding *Requirements for Continuing Education, Types of Acceptable Continuing Education*, and *Determination of Clock Hour Credits and Credit Hours Granted*, for which Dr. Merchant made the motion to recommend the Council publish as proposed rules. Dr. Elder seconded the motion. The motion carried.
17. The Board considered Item 17: Report from the Board Chair. Dr. Merchant gave the report, thanking board members for their committee-work since the last meeting, encouraging return to in-person meetings and expressing concern about new board member engagement. Dr. Merchant commended staff on the October 2021 "Insights Over the Lunch Hour." Director Spinks noted a similar event could be held with board members. Chair Merchant agreed. Chaplain Stoglin asked Director Spinks about providing continuing education credit for attending "Lunch Hour" event. Director Spinks explained he would present issue to the Council and asked the board members for direction. The board members agreed an ethics credit would be appropriate.
18. The Board considered Item 18: Report from the Board's Delegates to the Council. Ms. Faszholz provided written reports in meeting materials, including the Council's rulemaking activities. Director Spinks noted the Council's subcommittee's work on agency-related travel is in process.
19. The Board considered Item 19: Report from the Board Administrator. Ms. Faszholz gave the report, including next "Insights Over the Lunch Hour" is scheduled for February 28 and reminding licensees to review Fingerprint Information webpage to prepare for any upcoming renewal process.
20. The Board considered Item 20: Discussion and possible action regarding future priorities and activities of the Board. Rev. Dr. Scoma noted next MFT Board meeting is scheduled for April 29.
21. The Board opened Item 21: Public comment:
 - Sandra Martin, LPC, Governmental Liaison for Christian Counselors of Texas (CCT), expressed gratitude for the board members' service and hard work; appreciated enhanced continuing education requirements recommended by the BHEC Standardization Work Group; and thanked Chaplain Stoglin for his reminder that we are "the Great State of Texas."
22. The Board considered Item 22: Announcements and comments not requiring Board action.
 - February 1: Texas Behavioral Health Executive Council (BHEC) meeting
 - February 10-12: Christian Counselors of Texas Conference in Pflugerville (virtual attendance also accommodated)
 - February 28: Insights over Lunch Hour: An Opportunity to Visit with Executive Staff

- April 7-9: Texas Association for Marriage and Family Therapy (TAMFT) in Fort Worth – Chair Merchant to present
- April 29: MFT Board meeting
- May 18: BHEC meeting
- July 22: MFT Board meeting
- Aug 23: BHEC meeting

22. The meeting was adjourned at 11:38 p.m. by Presiding Officer, Rev. Dr. Scoma.